

# EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

LINDA JOHNS,

*Plaintiff,*

v.

ETHICON, INC. *et al.*,

*Defendants.*

Case No. 1:20-cv-00035

Hon. Liam O'Grady

**ORDER**

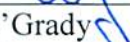
This matter comes before the Court on Defendants' Motion for Leave, through which they seek to file supplemental dispositive motions. Dkt. 63. The Court dispensed with oral argument because it would not aid the decisional process.

This case was originally filed in MDL No. 2327 on May 14, 2013. Before it was transferred to this District, a June 13, 2018 scheduling order set the filing deadline for dispositive motions on October 18, 2018. Dkt. 17. Defendants complied with that deadline by filing a motion partial summary judgment. Dkt. 24. They now seek to file additional dispositive motions, one and a half years later. These supplemental motions would advance new legal theories and do not involve subject matter jurisdiction, which may be raised at any time.

In light of the scheduling order of June 13, 2018 and the nature of Defendants' new arguments, the Court finds Plaintiff would be unfairly prejudiced by the filing of these supplemental dispositive motions. Defendants' motion for leave, Dkt. 63, is therefore **DENIED**.

It is **SO ORDERED**.

May 29 2020  
Alexandria, Virginia

  
Liam O'Grady  
United States District Judge